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The United States Joins Berne Copyright Convention

President Reagan signed into law on October 31 legislation enabling the United States to adhere to the Berne Convention for the Protection of Literary and Artistic Works. The passage of the legislation, with Senate approval on October 20, caps a century-long effort to bring the United States into the Berne Union, the oldest and most prestigious international multilateral treaty governing the protection of copyrights. (The United States has since 1955 been a member of the other major international agreement, the Universal Copyright Convention.) Adherence to the Berne Convention represents a major step in improving the protection abroad of some of America's most important export industries: motion pictures, television programming, computer programs, sound recordings, music, and books.

Register of Copyrights Ralph Oman testifying in Congress on behalf of U.S. adherence to the Berne Convention

The Berne Convention is expected to come into force for the United States on March 1, 1989. This is three months after the planned notification to other Berne Convention members that the United States has deposited the instrument of accession with the Director General of the World Intellectual Property Organization, the body in Geneva, Switzerland,

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that administers the Berne Convention.

"The United States has sent a clear and unmistakable signal to foreign pirates that we will insist upon fair trade in copyrights based upon the minimum guarantees of the Berne Convention," said Register of Copyrights Ralph Oman, whose Copyright Office in the Library of Congress administers the U.S. Copyright Law. They will no longer be able to pirate American movies, books, records, or tapes with impunity and the Office of the U.S. Trade Representative now will have the legal basis to insist that our trading partners shut down the pirates or suffer serious trade retaliation, he said. "Much work remains ahead. The United States must now lend its prestige, power, and imagination to strengthening Berne itself, so as to keep it relevant to a rapidly changing world."

Senator Patrick J. Leahy (D-Vt.), chairman of the Senate Subcommittee on Technology and the Law, member of the Subcommittee on Patents, Copyrights and Trademarks, and a principal Senate sponsor, called U.S. entrance into the Berne Convention, "a milestone for America's creative community." He noted that U.S. membership in the Berne Convention "is a sound investment in American competitiveness in the world marketplace of the 1990s and beyond. Berne is important for the many U.S. businesses that depend on copyright not just the book, film, and music industries but also high-tech and information industries."

Senator Claiborne Pell (D-R.I.), speaking as both the Chairman of the Joint Committee on the Library and the Senate Committee on Foreign Relations, said he was "delighted that the Congress was able to pass a bill meeting the approval of the Copyright Office" and which would "enable the United States to more effectively negotiate in the world community on copyright issues."

The Senate vote followed the passage of the legislation on October 12 by the House of Representatives. Congressional leaders saw acceptance by the United States of the minimum guarantees of copyright protection provided in the Berne Convention as fundamental to the effective suppression of piracy of American works abroad and for full exploitation of new global markets for copyrighted American works.

Long sought by authors, publishers, and government officials, United States adherence to the Berne Convention had proved elusive from the inception of the treaty in 1886. Until the general revision of the United States Copyright Act in 1976, a number of provisions in the U.S. Copyright Act prevented U.S. accession to the Berne Convention. In 1976 Congress amended the Copyright Act in ways that brought the U.S. closer to being in conformity with the convention. However, a few obstacles remained. With the expiration of the manufacturing clause in 1986, and the changes made in the Berne enabling legislation, the United States copyright law became compatible with the Berne Convention and made adherence possible. (The manufacturing clause had required that work predominantly consisting of non-dramatic, literary material in the English language, authored by U.S. citizens, be printed in the United States.)

Representative Robert Kastenmeier (D-Wis.), author of the landmark 1976 Copyright Act and principal architect of the House legislation which laid the basis for Berne adherence, observed: "In this session, we have not only amended the copyright law—no mean feat—but entered into a treaty which had been an unattainable 'Holy Grail' for American authors and composers over the last 100 years. The implementing legislation carefully balances the rights of authors with the needs of consumers and protects the larger public interest. A bipartisan coalition, with close cooperation between House and Senate leadership, made it possible. This Congress has not just made law; it has made history."

Changes Expected When Berne Implemented

The Copyright Office of the Library of Congress expects some changes as a result of the United States joining the Berne Convention.

The most obvious change brought about by the Berne Convention Implementation Act is the repeal of the mandatory copyright notice requirement. Because the Berne Convention does not allow the use of formalities—requirements that would affect an author's enjoyment of his or her rights—authors will no longer need to display the © symbol and its accompanying information of name and date. However, incentives still exist for using the notice: for example, an innocent infringer defense in mitigation of statutory damages will not be permitted if the work infringed upon carried the

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Comparable institutions and organizations in other countries may arrange to receive the *Bulletin* on an exchange basis by applying in writing to the Library's Exchange and Gift Division. All other correspondence should be addressed to the LC *Information Bulletin*, Information Office, Library of Congress, Washington, DC 20540.

Bruce Tapper, Editor

notice and the infringer had access to copies bearing the notice.

Under the final version of the implementing legislation, the House and Senate reached a compromise on an issue of special importance to the Library of Congress and the Copyright Office: the requirement of registration (or a refusal to register) as a precondition to suit. Under the compromise adopted, the requirement will continue for works of U.S. origin, but will be dropped for works of the Berne Convention whose country of origin is not the United States. As a result, the basic integrity of the registration and deposit system has been protected.

If a plaintiff in an infringement action does not have to and does not register, he or she will have to prove in court that the work is exempt from the registration requirement—that the work is not of U.S. origin. Even then, the plaintiff will not have the benefit of the presumption of copyright validity and the remedies of statutory damages and attorney's fees. Everyone, foreigner and American alike, must file for registration to enjoy the presumption of validity, statutory damages, and attorney's fees.

The legislation also amends the Copyright Act to eliminate recordation [section 205(d)] as a prerequisite to infringement suit. Recordation still exists to give constructive notice of the facts—essentially what existed prior to the 1976 act.

Within the Copyright Office, a Berne Implementation Committee has formed subcommittees to plan for changes, on the following topics: registration practices, cataloging practices, forms and publications, mandatory deposit, training and public education, and regulations (including jukebox issues). A general information circular explaining the Berne provisions is being prepared and will be available by March 1, 1989.

Folklife Center Poster Celebrates 100 Years of the American Folklore Society

A poster to commemorate the 100th anniversary of the founding of the American Folklore Society is available from the American Folklife Center at the Library of Congress.

The striking design of gold, red, and blue on a black background features 47 black and white photographs that depict many historical and contemporary aspects of American folklife.

The 24-by-36-inch poster may be ordered from the American Folklife Center, Library of Congress, Washington, DC 20540. The price is $15 plus $2 for postage and handling. Check or money order payable to the American Folklife Center must accompany order.

New MARC Distribution Services to Begin

Two Library of Congress MARC (machine-readable [computerized] cataloging) distribution services will be inaugurated in 1989 that will contribute significantly to the pool of machine-readable records available to the nation's libraries. One will be an expanded service for the distribution of CJK records—in the Chinese, Japanese, and Korean vernacular scripts. The second will constitute the first distribution by the Library of Congress of *National Union Catalog (NUC)* records in machine-readable form.

These two new services are being launched with the cooperation of the Research Libraries Group, Inc., (RLG), whose Board of Governors has approved the contribution of appropriate RLIN (Research Libraries Information Network) records to the Library of Congress for inclusion in its MARC distribution services.

The Library of Congress has been distributing its CJK records cataloged using the RLIN system since 1987. Omitted from this distribution, however, was a substantial

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volume of CJK records cataloged by other RLIN participants. With the new agreement with RLG, the Library of Congress can now supply, on a prospective basis, the full complement of the CJK records existing on the RLIN database.

The planned *NUC* MARC distribution service will for the first time allow reports to the Library of Congress for the *National Union Catalog* program to be incorporated in a Library of Congress tape distribution. In addition to the long-standing support the *NUC* products have provided towards reducing duplication in cataloging, enhancing resource sharing, and facilitating reference services, this upcoming service should generate additional cost savings for libraries. RLG has agreed to allow its reports submitted to the Library of Congress for the *NUC* to be included in the future distribution service. These represent reports of bibliographic records added to the RLIN database by RLG members.

The Library of Congress acknowledges the cooperation of RLG in furnishing its records to augment these services. For more information about them, both of which will include prospective records only, contact: Customer Services Section, Cataloging Distribution Service, Library of Congress, Washington, DC 20541; (202) 707-6100.

CDS Publications

Ongoing Publications

The following publications are now available from the Library of Congress Cataloging Distribution Service, Washington, DC 20541.

LC Subject Headings Weekly Lists, 1988, Lists 13-16, $175 for the 1988 subscription year.

LC Subject Headings Weekly Lists, 1988. Lists 17-20, $175 for the 1988 subscription year.

LC Subject Headings Weekly Lists, 1988. Lists 21-25, $175 for the 1988 subscription year.

LC Subject Headings Weekly Lists, 1988. Lists 26-29, $175 for the 1988 subscription year.

Corrections

☐ The italicized text was inadvertently omitted from the article on CAS/Library Services joining the CONSER program (LC *Information Bulletin,* October 10, p. 405): "Contributions made by affiliate members are expected to be particularly helpful to reference and acquisitions librarians using CONSER *records. CAS Library Services will supply CODEN* (USMARC field 030) for CONSER records for serials received at Chemical Abstracts Service, either for abstracting/indexing or for CODEN assignment.

☐ The name of the actor identified as James Edward Olmos in the photograph on p. 349 (LC *Information Bulletin,* August 29) should read Edward James Olmos.

LC *Information Bulletin* Available on Microfilm

The Library of Congress Photoduplication Service continues to offer the backfile and accept standing orders for the LC *Information Bulletin* on microfilm.

The backfile, encompassing the period January 1942 through December 1983, is contained on 27 reels and may be purchased for $891. This is 35mm positive, silver halide, safety base microfilm. Smaller segments may be purchased.

Standing orders are accepted for 1984 onward, and the estimated cost is $35 per year.

Orders to be shipped to addresses outside of North America should add $1.50 per reel for surface postage. Orders and inquiries should be addressed to the Library of Congress, Photoduplication Service, Dept. C, Washington, DC 20540.

AMERICAN TREASURY

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This week's question, drawn from the CBS News "American Treasury" series, broadcast each weekday at 3:57 p.m. (EST) on the CBS Television Network, is:

Who was Ehrich Weiss?

The answer to last week's question is:

William Rufus King, vice president under Franklin Pierce in 1852, suffered from tuberculosis and wintered in Cuba. He was too sick to attend his inauguration. He died on April 8, 1853, having spent only one day of his term in the United States.

STAFF NEWS

ASO Hotline Is Topic At Online Users Meeting

The Automated Systems Office (ASO) Hotline was the subject of a program sponsored by the Online Users Group on September 20.

In introductory remarks, Barbara Finfrock, a senior systems analyst in the director's office of ASO, reviewed the Hotline's role in the Library. Recently, the Hotline was moved from the Computer Center to the Operational Systems Support Office (OSSO), the office in ASO responsible for ongoing support and management of production systems. She emphasized that the Hotline serves an important function as the first line of contact with all users of automation services in the Library, and described working on the Hotline as demanding because ASO is contacted only when something goes wrong. Ms. Finfrock concluded by praising Hotline workers for providing good service over the years without an increase in staff while the amount of users, hardware, and software has multiplied.

Bill Miller, a systems analyst and one of four Hotline staff members, spoke on services provided by the Hotline and procedures for reporting problems or requesting services.

He began by setting a historical perspective for Hotline services. When the Hotline was established over 12 years ago, there were only ten hardwired online CICS terminals in the Processing Department. The rest of the Library used dial-up access or batch processing. He was able to visit the users each hour to see if everything was working. Today, throughout the Library, there are more than 3,500 hardwired terminals, some 1,200 personal computers, and in excess of 130 software applications to be monitored by the Hotline staff members.

Mr. Miller emphasized that ext. 77727 is the number for reporting all hardware and software problems to ASO. The Hotline staff members have more than 15 consoles and terminals with which they can monitor the various online systems, terminals, and telecommunication lines in the Library. There is also an automatic alert system which monitors controller and terminal line activity and response time, so that Hotline workers can sometimes take action even before a call comes in.

Among the many services provided by the ASO Hotline are: monitoring the online production environments, performing operational management functions, notifying users of system problems and resolutions, maintaining the problem-tracking system for ASO, analyzing incoming calls, directing problems to the appropriate ASO sections for resolution, ensuring that

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Staff Efforts Produce Good Response to FERS

The Personnel and Labor Relations Office reports that 10.2 percent of staff members eligible for conversion to the new Federal Employees Retirement System (FERS) elected coverage under FERS. Although the U.S. Office of Personnel Management (OPM) has not as yet released government-wide statistics, there are indications that the Library is in the forefront in the percentage of conversions to FERS.

This favorable response to the new retirement program was the result of the combined efforts of the Personnel and Labor Relations Office and the Civil Service Retirement Team of the Education and Public Welfare Division in the Congressional Research Service

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Edward D'Alessandro Book Is Published

Edward A. D'Alessandro

Edward A. D'Alessandro, special assistant for planning management, Research Services Department, is the author of *The Ginney Block: Reminiscences of an Italian-American Dead-End Street Kid*. The book is a collection of vignettes from Mr. D'Alessandro's childhood in an Italian community in Cleveland, Ohio, telling of a neighborhood and a way of life that no longer exist. The "Ginney Block" was demolished to make way for the railway approach to Cleveland's first skyscraper in 1928.

Mr. D'Alessandro began his Library of Congress career in 1970, the same year he retired after 40 years of service in the Cleveland Public Library system, in which he started as a student assistant and ultimately became director.

The Ginney Block has been published by Gateway Press, Inc., 1001 N. Calvert Street, Baltimore, MD 21202. It is available at the Trover Shop at 227 Pennsylvania Ave., S.E., Washington, DC 20003.

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(CRS), together with a large number of Library staff members who voluntarily gave their time to the Library's concerted effort to fully advise staff members of the provisions of the new retirement system as compared to the old Civil Service Retirement System (CSRS).

Efforts to meet the challenge of informing every staff member of the provisions of the new retirement system began in April 1987, weeks before the first open season, with the naming of volunteer keyworkers who went through a specific training program. Their task was to provide computer analyses and printouts for each staff member, because the benefits of the new program and the old CSRS were different in several respects.

The assistance provided to staff members included a computer program developed under the direction of the CRS Retirement Team, an agency-generated videotape which was shown extensively in the Pickford Theater and was made available for charging out, tapes of the seminars including those on the Thrift Savings Plan, OPM FERS booklets, booklets issued by the Federal Retirement Thrift Investment Board, seminars, and extensive counseling sessions. The initial open season lasted from July 1 through December 31, 1987. Because of new legislation enacted late in December, agencies were authorized to accept belated elections under applicable circumstances through June 30, 1988. Such an extension had not been anticipated; nevertheless, those who had been involved with the implementation of the program continued to provide staff members with needed assistance.

In conjunction with CRS's Office of Special Programs, the Civil Service Retirement Team made a 40-minute video presentation on the retirement choices facing Library employees. Members of the CRS Civil Service Retirement Team included: Brenda S. Freeman, Thomas P. Gabe, Geoffrey C. Kollman, Carolyn L. Merck, Michael J. O'Grady, Raymond Schmitt, and team leader Dennis W. Snook. Other CRS staff members who participated in making the video included: Vernon L. Binstock, Nancy A. Davenport, Jerry David, and Robert Nickel. An introduction to the video was given by Louis R. Mortimer.

Other staff members who gave their time and expertise to the FERS program included: Ralph L. Adams, William S. Callanan, James McClung, Romola I. Mullins, Cicily P. Osteen (program coordinator), and Fern L. Underdue.

The following are volunteer keyworkers without whose able assistance the program could not have been as successful: Barry L. Abel, Janish N. Anderson, Richard A. Anderson, Carl E. Behrens, Tamara W. Belden, Marie-Louise H. Bernal, Karen E. Bethea, Reba H. Branch, Megan E. Caverly, John P. Celli, Della Chase, Marianne Cheseldine, Byron C. Colvin, Kenneth R. De Jarnette, Bernadette B. Dieng, Diane E. Dixson, Charles P. Dove, S. Joan Easton, Joan D. Faltot, Thomas G. Felt, Peter D. Fyfe, Jimmy C. Haritos, Patricia Hawkins, Mildred Henninger, Constance A. Johnson, Michael A. Katz, Robert M. Kline, Lennard G. Kruger, Margery T. Maier, James E. McGovern, David S. Meisler, Thomas E. Miller, Theodore R. Moore, Jr., Chrissie A. Nash, Richard P. Neldon, Ruta A. Pempe, Carl A. Peterson, Myron W. Phillips, Ingebjorg M. Powers, Eric S. Reid, Janie M. Ricks, Gary P. Ridgell, Aletta Scuka, Nancy J. Shaffer, Mariko Shotwell, Richard Thaxter, Vincent E. Treacy, Roger Walke, and Richard L. Webb.

Members of the Printing and Processing Section who assisted in the printing and distribution of numerous Special Announcements and issuances from OPM and the Federal Retirement Thrift Investment Board included: Jeffery D. Anderson, Onnetta C. Benoit, Yvonne P. Black, Stuart A. Cockrell, Dorothy B. Gholston, Willie L. A. Jones, Leo D. Schumacher, and Randolph Scott.

The success of the Library's efforts on behalf of the FERS program was due to the unstinting efforts of the staff members who participated in its implementation. These staff members have been recognized through the Library's Incentive Awards Program.

Handicapped Awareness Program Features Films, Exhibits, November 29

A variety of local and national organizations that represent handicapped persons will have information booths in the Mumford Room, LM 649, on Tuesday, November 29, from 11 a.m. to 2 p.m. The theme for this year's Handicapped Awareness Program is "Employment: A Vision for the '90s."

Bill Haig, Handicapped Program coordinator said, "In keeping with this year's theme, our efforts focused on inviting organizations that can serve as recruitment resources to the Library in employing qualified handicapped individuals." These organizations include Gallaudet University Career Center; Multiple Sclerosis Society; District of Columbia Association for Retarded Citizens; and the Virginia, Maryland, and District of Columbia Departments of Rehabilitation.

Scheduled demonstrations are as follows: sign language interpretation of song (11:15 a.m. and 1 p.m.), and technology for blind persons (11:45 a.m. and 1:30 p.m.).

STAFF NEWS

Films regarding handicapped persons and services available to them will be shown throughout the day.

Library staff members are invited to attend the programs. For more information contact Bill Haig, ext. 76361, 76362 (TDD).

WETA Fundraiser Reminder

Space is still available for staff members who would like to volunteer to answer phones at the WETA fundraiser on Friday, December 9, 6:45–11:30 p.m. This is an enjoyable evening of socializing, sharing delicious potluck food, and answering phones for a good cause. The program lineup will include "Washington Week in Review" (shot live on the set, with panelists helping to answer phones afterwards), "Wall Street Week," and Maria Callas on "Great Performances." Volunteers will be asked to bring a salad or dessert to share. To volunteer, call Beth Traczewski at ext. 78080.

James McGrath Earns 20-Year Service Award

James McGrath, an analyst in American National Government in the Government Division of the Congressional Research Service (CRS), recently marked 20 years of Federal service.

At a ceremony in the Madison Gallery, Mr. McGrath was presented his 20-year Federal Service Award pin by Steve Strathis, head of the Executive Branch Organization Section, Government Division, CRS.

Robert Dardano Winner of WRA Tennis Tournament

Mr. Dardano (right) is congratulated by WRA tennis tournament coordinator Jim Cole, of the Copyright Office.

The Welfare and Recreation Association (WRA) tennis tournament held this summer for Library staff members was won at the men's intermediate level by Robert Dardano of the Exchange and Gift Division. Mr. Dardano went on to represent the Library in the U.S. Recreational Tennis Association tournament for all government agency winners held August 1–14 at the Reston Racquet Club. Proceeds from these tournaments benefited the American Kidney Foundation.

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user requested jobs are scheduled, and notifying programmers of overnight production job problems (via ADP Problem Reports).

Mr. Miller urged users to help facilitate the reporting process by having the following information available when they call the Hotline: name, phone number and division, terminal type, terminal ID, application being used, ABEND (abnormal end) or error message received, and what transaction was in process when the problem occurred. To check on the status of a written request, the user should contact the department liaison who will coordinate with ASO. The Automated Systems Office is currently updating a document called "How To Use the ASO Hotline," which will soon be available to department liaisons.

In addition to Bill Miller, the members of the ASO Hotline staff are Earl Carter, Dan Kuykendall, and Jerome Williams. The current hours of service are 6:15 a.m. to 6 p.m., Monday through Friday, and 8:30 a.m. to 5 p.m. Saturday.

Lettie T. Battle Dies

Lettie T. Battle, a former employee of the Serial Record Division, died at her home on September 22.

Mrs. Battle joined the Serial Record Division of the Library of Congress in 1960 as a library technician and was promoted to increasingly more responsible positions during her 28 years in the division. She retired as a senior library technician on March 29, 1985.

Mrs. Battle was born in Charlottesville, Va., and educated at the Rock Castle School for Girls and the Virginia State College, both in Petersburg, Va.

She was an active member of the Rehoboth Baptist Church in Washington, D.C., where she co-founded the Matrons Service and served as its president until shortly before her death.

Mrs. Battle is survived by her husband, Irwin D. Battle; her mother, Flossie Terrell; and three daughters: Beverly B. Hardy; Barbara B. Sanders, and Karen L. Battle.

Meetings and Events Around the Library

Thursday, December 1

☐ "International Aftermath of the 1938 Mexican Oil Expropriation," Marfia Emilia Paz, visiting researcher, Georgetown University. LC Professional Association (LCPA) Forum. Room LM 642, 11:30 a.m.

Friday, December 2

☐ Seventeenth Employees Art and Crafts Exhibition. East Corridor, Sixth Floor, Madison Building.

☐ David Abel, violin; Julie Steinberg, piano; and William Wynant, percussion. Coolidge Auditorium, 8 p.m. Free; no tickets required.

Monday, December 5

☐ Presentation of PEN Syndicated Fiction Awards. Coolidge Auditorium, 8 p.m. Free; no tickets required.

☐ "Mapping the American Civil War," exhibition opens adjacent to offices of the Geography and Map Division, Basement Floor, Madison Building.

Tuesday, December 6

☐ "Recognizing and Preserving Quality Network Television," Dorothy Swanson, director of Viewers for Quality TV. LCPA. Room LM 642, 12:10 p.m.

Wednesday, December 7

☐ "The Hazards of Walking the Management Plank," Donald C. Curran, Associate Librarian of Congress. LCPA. Dining Room A, 12:10 p.m.

Thursday, December 8

☐ "Conservation Treatment Decisions," (with slides), Tom Albro, head, Rare Book Section, Conservation Office. LCPA. Room LM 642, 12:10 p.m.

Friday, December 9

☐ Composers String Quartet with Noël Lee, piano, play the music of Elliott Carter. Coolidge Auditorium, 8 p.m. Free; no tickets required.

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